

E-101, E-002/SA-88-179 /514 (E62-01)DENYING MOTION TO VACATE ORDER

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Barbara Beerhalter	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Darrel L. Peterson	Commissioner

In the Matter of the City of White Bear Lake's
Request for an Electric Utility Service Area
Change Within its City Limits

ISSUE DATE: February 16, 1989

DOCKET NOS. E-101, E-002/SA-88-179
(E62-01)

In the Matter of the Petition of Northern
States Power Company for an Electric Utility
Service Area Change Within the City of
White Bear Lake

E-002, E-101/SA-88-514

ORDER DENYING MOTION TO VACATE
ORDER

PROCEDURAL HISTORY

On December 14, 1988 the Commission issued its Order Vacating Earlier Order and Denying Petitions to Change Assigned Service Areas in the above-captioned matter. That Order ended a lengthy proceeding on petitions by the City of White Bear Lake and Northern States Power Company to change the assigned service areas of the two utilities serving the City of White Bear Lake.

On February 1, 1988 the City of White Bear Lake filed a petition for a change in the assigned service areas of the two utilities providing electric service to the City, Northern States Power Company (NSP) and Anoka Electric Cooperative (Anoka). The City requested that NSP be allowed to serve an area within Anoka's assigned service area, to facilitate the City's development of the area.

On September 22, 1988 the Commission issued its initial Order in the matter, granting the requested change in assigned service areas on grounds that they had originally been drawn incorrectly as a matter of law. Anoka and the Department of Public Service filed petitions for reconsideration, which were granted.

At the hearing on reconsideration, Anoka presented new evidence in the form of the map the two utilities had submitted in the 1975 proceeding establishing their assigned service areas. The map clearly showed that the two utilities had agreed to the boundary lines being challenged and that the assigned service areas had been established pursuant to agreement, not pursuant to the statutory interpretation assumed in the September 22 Order. The Commission vacated the September 22

Order in light of the new evidence and rejected the petitions to change the assigned service areas.

On February 1 the City of White Bear Lake brought a motion under Minn. Stat. § 216B.25 (1988) to vacate the Order after reconsideration and reinstate the Order granting its petition to change the assigned service areas of the two utilities. The motion came before the Commission on February 7, 1989.

FINDINGS AND CONCLUSIONS

The grounds for the City's motion are that the Commission erred in its interpretation of the assigned service area statutes in denying the City's petition. The City has raised no new issues, offered no new evidence, and identified no issues which require further consideration by the Commission.

The motion to vacate the Commission's Order of December 14, 1988 will be denied.

ORDER

1. The City of White Bear Lake's motion to vacate the Commission Order of December 14, 1988 is hereby denied.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)